

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

IMPERIUM INSURANCE COMPANY

PLAINTIFF

VS.

CIVIL ACTION NO: 1:14-cv83-SA-DAS

**JASON SHELTON, SHELTON & ASSOCIATES,
P.A.; and KAREN CAVINESS, ADMINISTRATRIX
OF THE ESTATE OF MAMIE KATHERINE CHISM,
DECEASED**

DEFENDANTS

**DEFENDANT, KAREN CAVINESS, ADMINISTRATRIX OF THE ESTATE
OF MAMIE KATHERINE CHISM, DECEASED,
ANSWER TO COMPLAINT FOR DECLARATORY JUDGMENT**

Defendant, Karen Caviness, Administratrix of the Estate of Mamie Katherine Chism, Deceased, ("Karen Caviness") responds to Plaintiff's Complaint as follows:

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a claim or cause of action against Karen Caviness upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Karen Caviness reserves and plead all affirmative defenses listed in Fed. R. Civ. P. 8(c), including accord and satisfaction, assumption of risk, contributory negligence, duress, estoppel, fraud, laches, waiver and any other matter constituting an affirmative defense including, but not limited to, statute of limitations.

Karen Caviness "(Caviness)" responds to the Complaint, paragraph by paragraph, as follows:

1. Caviness is without sufficient information to admit or deny the allegations in paragraph 1.

2. Admitted.

3. Admitted.

4. Admitted.

5. Admitted.

6. Admitted.

7. Caviness is without sufficient information to admit or deny the allegations in paragraph 7.

8. Admitted.

9. Admitted.

10. Admitted.

11. Admitted.

12. Admitted.

13. Admitted.

14. Admitted.

15. Admitted.

16. Admitted.

17. Caviness is without sufficient information to admit or deny the allegations in paragraph 17.

18. Caviness is without sufficient information to admit or deny the allegations in paragraph 18.

19. Caviness is without sufficient information to admit or deny the allegations in paragraph 19.

20. Caviness is without sufficient information to admit or deny the allegations in paragraph 20.

21. Caviness is without sufficient information to admit or deny the allegations in paragraph 21.

22. Caviness is without sufficient information to admit or deny the allegations in paragraph 22.

23. Caviness is without sufficient information to admit or deny the allegations in paragraph 23.

24. Caviness is without sufficient information to admit or deny the allegations in paragraph 24.

25. Caviness is without sufficient information to admit or deny the allegations in paragraph 25.

26. Caviness is without sufficient information to admit or deny the allegations in paragraph 26.

27. Caviness is without sufficient information to admit or deny the allegations in paragraph 27.

28. Caviness is without sufficient information to admit or deny the allegations in paragraph 28.

29. Caviness adopts her prior responses.

30. Caviness is without sufficient information to admit or deny the allegations in paragraph 30.

31. Caviness adopts her prior responses.

32. Caviness is without sufficient information to admit or deny the allegations in paragraph 32.

33. Caviness adopts her prior responses.

34. Caviness is without sufficient information to admit or deny the allegations in paragraph 34.

35. Caviness is without sufficient information to admit or deny the allegations in paragraph 35.

36. Caviness is without sufficient information to admit or deny the allegations in paragraph 36.

Caviness denies the final unnumbered paragraph of the Complaint, denies that Imperium is entitled to any relief or recovery from Caviness and demands that the Complaint be dismissed with prejudice with costs assessed to Imperium.

WHEREFORE, PREMISES CONSIDERED, Karen Caviness demands judgment dismissing the Complaint with prejudice, with all costs assessed to Imperium Insurance Company.

This the 1st day of July, 2014.

Respectfully Submitted,

KAREN CAVINESS, on behalf of the
Estate of Mamie Chism, deceased

By Her Attorney,

/s/ Philip W. Thomas
PHILIP W. THOMAS
MSB No. 9667

PHILIP W. THOMAS LAW FIRM
Post Office Box 24464
Jackson, Mississippi 39225-4464
747 North Congress St. (39202)
pthomas@thomasattorney.com
Tel: (601) 714-5660

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Stuart Robinson, Jr.
WELLS MARBLE & HURST, PLLC
Post Office Box 131
Jackson, Mississippi 39205-0131
srobinson@wellsmar.com

This the 1st day of July, 2014.

/s/ Philip W. Thomas
PHILIP W. THOMAS